

and misleading, in that the said statement represented that the sacks each contained 100 pounds of the product, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the sacks each contained 100 pounds of the product, whereas they did not but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 18, 1927, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

15024. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21843. I. S. No. 16180-x. S. No. E-6054.)

On March 31, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Land O'Lakes Creameries, Inc., from Peoria, Ill., on or about March 21, 1927, and transported from the State of Illinois into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On April 15, 1927, John Christiansen, Slayton, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$350, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

15025. Adulteration of dried figs. U. S. v. 87 Boxes of Adulterated Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21707. I. S. No. 10728-x. S. No. W-2103.)

On March 7, 1927, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 87 boxes of dried figs, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the S. F. Warehouse Co., from San Francisco, Calif., on or about November 5, 1926, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Calimyrna Figs. Packed and Guaranteed by Melville B. Levi. * * * Clovis, California."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, and in that filthy, decomposed, and putrid dried figs had been substituted for normal dried figs of good commercial quality.

On April 6, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15026. Misbranding of Zendejas medicine. U. S. v. 9-5/6 Dozen Bottles and 12 Dozen Bottles of Zendejas medicine. Decrees of condemnation and forfeiture. Portion of product destroyed. Remainder released under bond to be relabeled. (F. & D. Nos. 21623, 21652. I. S. No. 11121-x. S. Nos. E-3280, E-5949.)

On February 8 and 25, 1927, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agri-

culture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 21 $\frac{5}{8}$ dozen bottles of Zendejas medicine, at New York, N. Y., alleging that the article had been shipped from Los Angeles, Calif., in part by P. Zendejas, January 11, 1927, and in part by the Zendejas Products Co., February 7, 1927, and that it had been transported from the State of California into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The labels on the cartons and bottles containing the article, and the accompanying circulars, bore statements regarding its curative and therapeutic effects.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, extracts of plant drugs, including sarsaparilla and a laxative drug, and water, with a trace of formaldehyde.

It was alleged in substance in the libels that the article was misbranded, in that certain statements regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 30, 1927, the Zendejas Products Co., Los Angeles, Calif., having appeared as claimant for 12 dozen bottles of the product seized under one of the above libels, and having admitted the allegations of the said libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, conditioned in part that it be relabeled under the supervision of this department, and be disposed of only in compliance with the law. On February 21, 1927, no claimant appearing for the 31 bottles of the product seized under the other libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said 31 bottles of the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15027. Adulteration of frozen mixed eggs. U. S. v. 94 Cans of Frozen Mixed Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21809. I. S. No. 2299-x. S. No. C-5443.)

On or about April 9, 1927, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 94 cans of frozen mixed eggs, at Memphis, Tenn., alleging that the article had been shipped by the Armour Creameries from Springfield, Mo., on or about January 4, 1927, and transported from the State of Missouri into the State of Tennessee, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 15, 1927, Morris & Co. having appeared as claimant for the property, and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be salvaged under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15028. Adulteration of prunes. U. S. v. 530 Boxes, et al., of Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21666. I. S. Nos. 14972-x, 14973-x. S. No. E-5995.)

On March 1, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3,777 boxes of prunes, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by M. D. Hopper, from Hanford, Calif., in various consignments, on or about December 30 and 31, 1926, and January 3, 1927, respectively, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Lucerne Brand French Prunes, M. D. Hopper, Hanford, Calif."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.